

REMARKS

As a preliminary matter, applicants' request acknowledgement of the references cited in an Information Disclosure Statement mailed January 6, 2004. A copy of the PTO-1449 form is enclosed. The '248 reference is already of record.

Claims 1-8 stand rejected under § 103 on the basis of DeHaitre '248 and Godfrey '032. Applicants traverse this rejection because Godfrey is not analogous art, and there is no suggestion or motivation to modify the references to obtain the present invention.

The present invention is a screw for composite materials, and Godfrey describes a spike for tie plates in railroad tracks. The present invention fastens material together with threads, where Godfrey merely holds tie plates in place in the ground, without threads. Screws for composite materials and railroad spikes are in different fields.

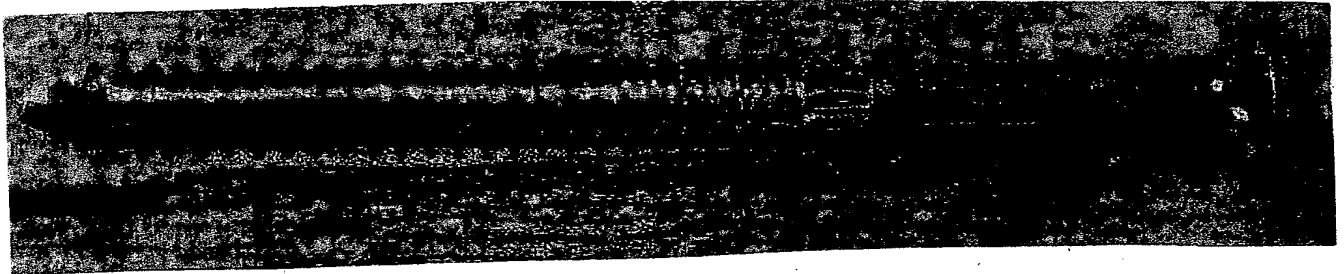
In *In re Oetiker*, 24 USPQ2d 1443 (Fed. Cir. 1992), a reference which disclosed a hook and eye fastener for garments was not analogous and was not in the field of an assembly hook used to position hose clamps. Similarly, the Godfrey reference describes a nonthreaded, nonrotating spike for railroad tracks, which arguably does not even fasten the track to the ground, and is designed for use in metal and the ground. Godfrey cannot be used in a rejection of a claim directed to a rotating, threaded screw that fastens composite board to other materials.

Moreover, the reference addresses a different problem than the problem solved by the present invention. In Godfrey, rings on a spike are used to secure the spike in the metal tie plate in a railroad track. In contrast, the present composite screw has rings that draw down fibrous plastic/wood composite materials that are disturbed during the

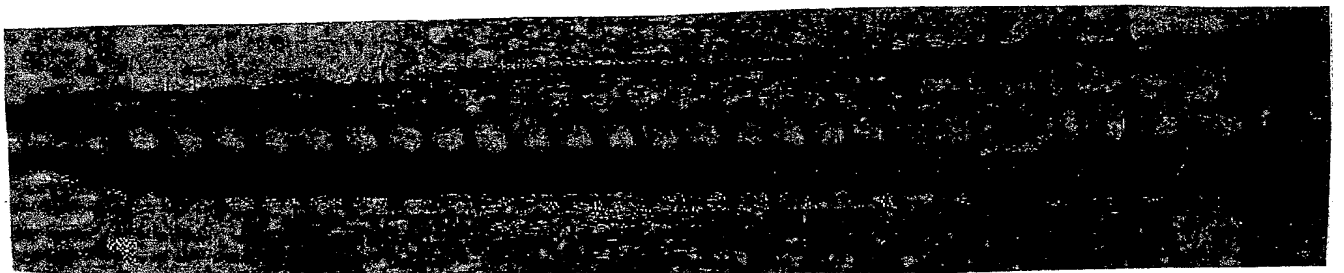
thread entry process. The rings in the present invention gather as much material as possible as the fastener is turned into the composite material, eliminating or at least reducing mushrooming.

The spike in Godfrey is not even rotated when it is installed, and of course it is installed in metal. Godfrey uses deformation of the rings to increase the bond, so the spike does not become loose over time. Godfrey does not even address the problem of mushrooming in composite materials. For all of these reasons, Godfrey is not analogous art. *See*, M.P.E.P. § 2141.01(a).

DeHaitre describes a wood screw, not a screw for composite materials. A DeHaitre screw is shown below on the top, above one embodiment of the present invention, shown on the bottom.

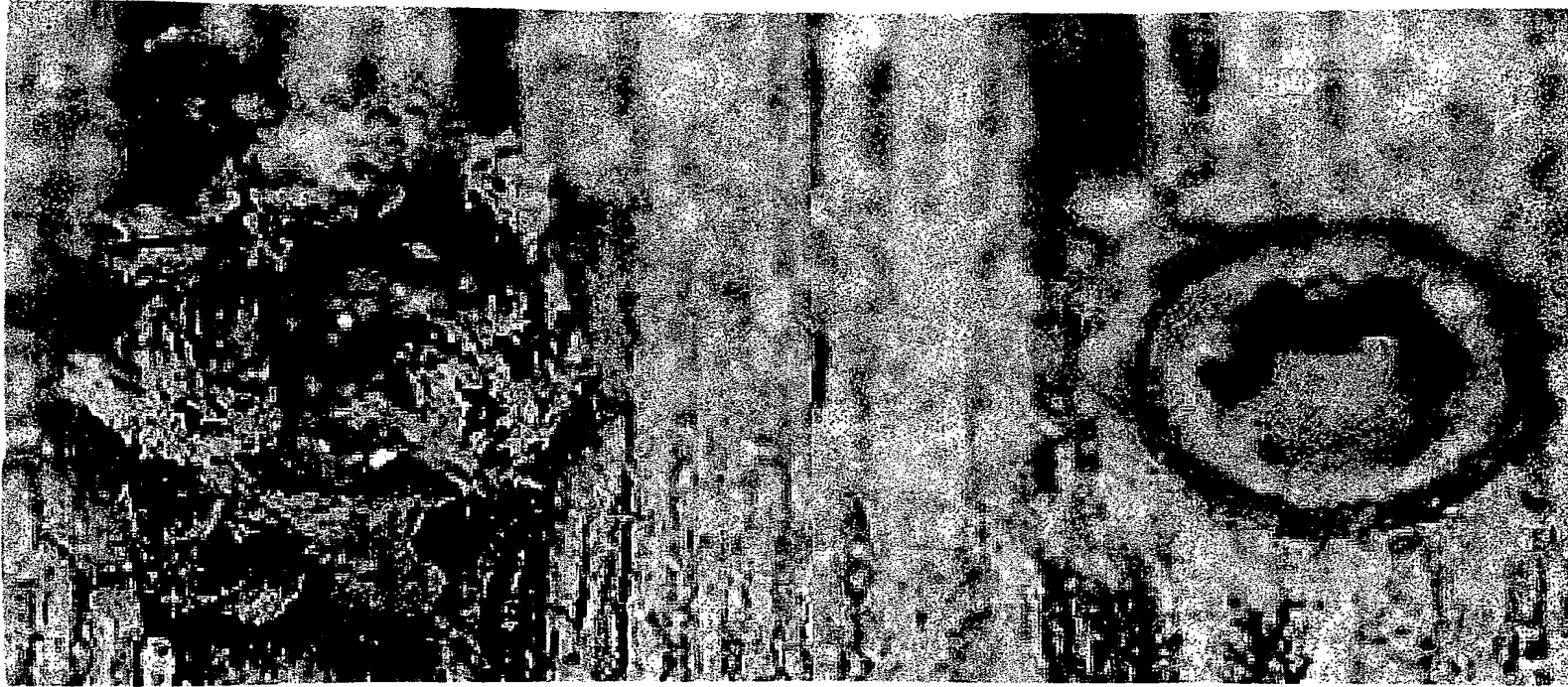


One embodiment
of a DeHaitre wood screw



One embodiment
of the present invention

A DeHaitre wood screw is shown below on the left threaded into composite material. Obviously, DeHaitre does not prevent mushrooming. One embodiment of the present invention is shown below on the right. The present invention solves the mushrooming problem well. DeHaitre does not suggest a solution to the mushrooming problem solved by the present invention.



One embodiment of a
DeHaitre wood screw
in composite material

One embodiment
of the present invention
in composite material

There is no motivation or suggestion to modify these cited references to obtain the present invention. The rings in the present invention prevent mushrooming of composite material, and are specifically designed to not collapse when installed. If they collapsed, they would not function for their intended purpose of combating mushrooming. In contrast, the rings in Godfrey are designed to collapse, so Godfrey would not suggest the use of rings to reduce mushrooming in composite materials. Moreover, the rings in

Godfrey secure the spike in a tie plate, where the rings in the present invention do not particularly secure or fasten the composite materials, but rather prevent mushrooming, among other things.

For these reasons, there is no motivation or suggestion to combine these references and modify them to obtain the present invention. Withdrawal of this rejection is respectfully requested.

For the foregoing reasons, Applicants believe that this case is in condition in allowance, which is respectfully requested. The Examiner should call Applicant's attorney if an interview would expedite prosecution.

Respectfully submitted,

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